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5^d THOMAS DE VEIL
OBSERVATIONS
ON THE
PRACTICE
OF A
JUSTICE *of the* PEACE.

(Price Six-Pence.)

ST THOMAS DE VILLES
OBSERVATIONS



PRACTICE
OF A
JUSTICE OF THE PEACE

(Price Six Pence.)

OBSERVATIONS
ON THE
PRACTICE
OF A
JUSTICE of the PEACE:

INTENDED
For such GENTLEMEN
As Design to Act

For MIDDLESEX or WESTMINSTER.

By Sir *THOMAS DE VEIL* Knt.

One of His MAJESTY's Justices of the Peace
for the Counties of *Middlesex, Essex, Surry* and
Hertfordshire; the City and Liberty of *West-*
minster, the *Tower of London*, and the Liber-
ties thereof.

L O N D O N:

Printed for EDWARD WITHERS, at the Seven Stars,
next the *Inner-Temple-Gate, Fleet-Street.* 1747.

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THE
PREFACE.

 *HE few following Observations on the Practice of a Justice of the Peace (particularly in the County of Middlesex, and City and Liberty of Westminster) were found in Manuscript among the Papers of the late Sir THOMAS DE VEIL Knt. who, from the Experience he had in that Station, drew them up for the Use of such Gentlemen who might take upon them*
that

(vi)
the Service
of the County : And as
Several Copies were given away
by Sir Thomas, in his Life-time,
and much Enquiry made after them,
since his Death, it has been thought
proper to publish them for the Publick
Good. And tho' probably they may
appear too trivial to those, of Expe-
rience, yet as they are calculatized for
the Service of those, who in the Be-
ginning of their Acting may be im-
posed upon by a Multitude of wicked
Sollicitors, and other bad Men, (who
are too numerous both in the County,
and Liberty,) it is hoped they will not
be unacceptable to the Gentlemen in
the Commission of the Peace.

IF in some Places it may be thought that Sir Thomas has been too hard on the Sollicitors there described, it must be considered they were always endeavouring to obstruct Justice, and he was in a manner continually beset by them, who were watching all Opportunities to bring Actions against him if he made a false Step, or to plague and harass those honest Prosecutors that were going to discover their Villanies, or those of their Clients: For no Man had a greater Veneration and Esteem for the Attorneys or Solicitors of Reputation and Character than he had: He looked upon them as a very useful and valuable Body of Men, as they certainly are.

THAT

THAT these Observations may
be of Service to the Publick, and keep
Gentlemen out of the Hands of the
wicked Persons described in this
Tract, is all that is intended or de-
sired by the Publication of it. and he
desires by them, who were watching
all Opportunities to bring Actions
against him if he made a false step,
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THAT



OBSERVATIONS

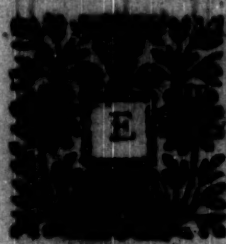
ON THE

PRACTICE

OF A

JUSTICE *of the* PEACE:

Intended for such GENTLEMEN, as
design to Act for *Middlesex*, or
Westminster.



VERY acting Justice of
the Peace should enter
his Warrants in a Book
regularly kept for that
Purpose, with their Dates, the Names
of the Prosecutors and Defendants.

*In all Cases of Felony, Frauds,
Accusations of Sodomitical Practices,
Attempts to Ravish, and other Mat-
ters of great Consequence, the Justice
should take proper Informations,
signed by the Accusers on Oath :
For as this County, City and Li-
berty abounds with Newgate Soli-
citors, and other very crafty Persons
who take all Opportunities to slip
into Justices Houses with a Croud,
(which is unavoidable) they cannot
be too cautious in preventing the
Designs of such, who will take all
Advantages, and swear any thing
to perfect their Designs.*

*A Justice of the Peace shou'd
be firm in his Resolution to act ac-
cording*

according to the several Statutes relating to the Office of a Justice, and not be bias'd by Entreaties, or shaken by Threatnings. He is to avoid Familiarity with the Constables, who are too apt to take great Liberty upon such Freedoms, which greatly lessen the Dignity of a Magistrate.

A Justice of Peace must be very careful to distinguish well what is cognizable before him, and what is not; For the *Old Bailey* Solicitors &c. make it their Business to entangle him in Difficulties, and do very often bring Matters before him in a most courteous Manner, and use the most plausible Arguments to induce him to act in a Thing,

which they at the same time know is only cognizable in the Courts in *Westminster-Hall*: But whenever they prevail, and have effected their Design, they immediately cause an Action to be brought against the Justice for concerning himself, where he had no Jurisdiction.

As these Solicitors, &c. are constantly employed to extricate notorious Offenders out of their Difficulties, and from the Danger of being committed to one, or other of the Goals: So they generally use all their Art (where Offences areailable) to bring and recommend to the Justice, People of low and desperate Fortunes for good Bail, such

such as will swear any thing to save the Criminals, or their Accessories from going to Goal, and are often not the Persons they swear themselves to be, or *common Bail* to every-body for Money : Therefore the safest way for a Justice of the Peace (who in the beginning of his Acting knows none of these notorious Fellows) is to refer the Enquiry after the Bail to the Plaintiffs, and injured Persons, who, for their own sakes, will (or ought to) take care that he shall not be imposed upon.

A Justice of the Peace should not commit Prisoners too hastily (where Offences are bailable) but should give the Offenders two or three

three hundred times to get Bail in, if
 they desire it. But, as there are
 many artful People who lie upon
 the Mouth of the Justice, in regard
 to their Place: where the Prisoners
 shall remain till they get Bail (which
 generally is the Roundhouse :) So I
 would give every Justice before he
 send a Prisoner there, to let it be,
 the Prisoner's Request. For if he
 does not desire it, but artfully tells
 the Justice, that he's at his Dispo-
 sal, and must go where he pleases;
 then I apprehend there is no Law
 in being, that will support a Justice
 in sending a Prisoner to the Round-
 house, who ought to be committed
 to some other, in the Justice's Juris-
 diction, till Bail be given: And
 several

several Actions have been brought
 against Justices and Constables, who
 have been inconsiderately sent, and
 carried Prisoners to the *Round-house*
 against their Wills; which has been
 deemed a false Imprisonment, in
 bailable Matters, though not so in
 Cases of Felony, and will justify his
 Majesty's Council to think fit to discharge the
 Action. **As for Instance,**

Where a Felon is brought be-
 fore a Justice, and the Prosecutors
 or all the Witnesses for the King
 cannot be had just at that time, he
 may send the Felon to the *Round-*
house, till they can be gotten toge-
 ther. But I think it much the safest
 and best way to commit him to one
 of the Goals for further Examina-
 tion.

And this same Method gives the Justice an Opportunity to find out the Circumstances and Accomplish in the Felony committed. But the Justice, before he commits, must take care to have sufficient Cause and Circumstances, before him, as will justify his Commitment, in case he should think fit to discharge the Felon upon a second Examination, which very often happens to be the Case. And the Justice, and the Prosecutors, or all the Witnesses for the King, must be very careful in their Commitments, and distinguish well whether they are bailable, or not. For, should a Justice make a Mistake of this kind, and the Prisoner thereupon bring a

Habeas

Habeas Corpus, and be bailed by any of the Judges of the Court of *King's Bench*, it is often followed with an Action at Law against the Justice.

I would advise every Justice not to take upon him to bail any of the Judges Warrants, if the Judges are in Town.

A JUSTICE of the Peace must be very exact in taking and returning the Recognizances of Persons that become bound for the Appearance of Offenders to the several Courts of Sessions, which they are bound over to, or to the Court of *King's Bench*, when it comes properly before him, by a Judge's Warrant, or to any

of the Assizes, where the Fact is committed in different Counties, and where the Justice has no Jurisdiction; yet he may nevertheless return his Recognizances there; for it is not in the Power of a Justice, whenever he has taken a Recognizance, to discharge it, upon any Account or Pretence whatsoever, but he must upon Oath return it to the proper Place.

SUPERSEDING of Warrants (unless their own) is a very injurious Custom among some Justices, because there is often a strong Information made before the Justice that grants the Warrant, which another is a Stranger to; and therefore such Practices produce

duce very great Mischiefs to the Prosecutors, and are of dangerous and pernicious Consequences to the Publick; because thereby a Stop is put to Justice, evil-minded People get fictitious and sham Bail, the injured Complainant is defeated of his Right, and the Offender too often escapes the Punishment due to his Crimes.

JUSTICES must be very cautious that they act in all Penal Statutes according to the Letter of the Law of that Statute, for the Breach of which the Party or Parties shall stand accused: And before they inflict the Penalty prescribed, they must summon the Party, and hear his or her Defence, before they convict; and

according to what shall then appear, make his Adjudication. And if the Statute require a Distress to be made on the Goods and Chattels of the Offender, the Justice must keep as near as possible to the Words of that Statute in the Warrant which he grants; reciting in the Preamble of it, the Substance of the Information he has taken upon Oath, directing his Warrant to the proper Officer, and taking Care that it be strictly executed as the Statute directs; which for his own sake he should always examine before he sets his Hand and Seal to it.

AMONGST other Things, I think it behoves a Justice of the Peace to
be

be very careful not to be imposed upon in Applications for forcible Entries, which is one of the most difficult things under the Jurisdiction of a Justice ; and when it really appears to the Justice to be so, the safest Way to proceed, will be by Precept to the Sheriff, to summon a Jury to go to the Place where the Force is said to be; and upon the Report of the said Jury, the Justice may proceed to restore the Possession as he shall see good : However, they are very difficult Things to be done safely without being called in Question at *Westminster-Hall*.

THERE are often Applications to the Justices of Peace between Landlord and Tenant, in regard to Seizures
which

which the Persons who apply endeavour (very often) to disguise under the Colour of Felonies, Force or Assault: But in any of these Cases, unless it is very apparent to the Justice that Violence has been used upon the Body of the Person that applies for Redress; it is not safe for a Justice to grant a Warrant, having nothing to do with Property.

WHENEVER a Justice commits, tho' it be but for a common Assault, the safest Way is to take an Information on Oath, and in the Commitment to insert the Constable's Name who carries the Offender to Prison, that upon any Action brought, the Magistrate may justify himself under

his

his Information, and by the Evidence of the Constable, who was present at that time : For sometimes these Actions are not brought in a Year or two afterwards, when it is quite out of a Justice's Memory ; and unless he can have Recourse to the Information taken on that Occasion, &c. he might suffer in his Reputation.

WHEN Night-Prisoners are taken before a Justice, if not bound over to answer the Offence they are accused of, but discharged at the Request of the Prosecutor, it is absolutely necessary to swear the Prosecutor to the Nature of the Offence : For often Felonies are concealed if it

it but superficially looked into ; and if they are not Felonies, and the Justice acquit the Party, it is very dangerous for the Constable of the Night who has had the Prisoners in Custody, unless, as I said before, they are bound over ; but, if discharged, there should be general Releases, otherwise Actions may be brought against the Constable for false Imprisonment. And all these things should be entered alphabetically in a Book, that Recourse may be had to them on any Emergency.

PEOPLE are very apt to apply for Warrants concerning Servants Wages, which Justices have nothing to do with ; except for those who are Labourers in the Field.

IN

IN Cases of Felony, there are often wicked vile Persons who make Information against People who live in Credit and Reputation ; and who appear to the Justice, in all Probability, not to be guilty of the Crime they are accused of ; and these sort of Accusers are generally very desperate and resolute in their Prosecutions : It is therefore absolutely requisite when they insist upon such a Prosecution, having no certain Place of Abode, that they find good Security that they will carry on their Prosecution, or else they must submit to be committed as an Evidence for his Majesty, until the Prosecution be over. And this is a certain

Rule for all Accomplices in Felonies,
whenever they make themselves voluntary Evidences for the King.

THERE is a great Evil carried on by the Consta-
bles for the County of *Middlesex*, and the City and Liberty of *Westminster*: and that is, when they have Prisoners in Custody, and sometimes for great Offences, they take the Liberty from their own Authority to set the Prisoner at large for their own private Ends, which is the greatest Abuse of Justice in the World: for it gives an Opportunity to the Party set at large (unknown to his Prosecutor) to come and assault him afresh, and may-be desperately wound him, and give him

him also an Opportunity to go and swear (by way of Revenge) any thing that comes in his Head, to defeat the Prosecution of his Adversary ; whereby a Stop is entirely put to Justice, and the Party aggrieved by this oppressive Method, is forced to make up the greatest Injuries by the Corruption of a Constable, who, for the sake of Lucre and Gain, consents to this iniquitous Practice ; which is one of the greatest Indignities that can be offered to a Justice of the Peace, and well deserves the severest Punishments when any such Misbehaviour is detected.

As to Justices Fees or Perquisites, the best Rule is to observe

strictly the Oath of Office ; which
 tells you, what you may safely take
 yourself, or suffer your Clerk to re-
 ceive for you ; which last Method
 is best suitable to the Dignity of that
 Honourable Station. For though a
 Justice of Peace be never so just in
 taking only what he has a Right to ;
 yet the receiving that himself, brings a
 Contempt on the Office, as well as on
 the Justice that doth it ; and makes
 those Persons who are before him
 look on him with Disdain, when af-
 ter their mean low way of thinking,
 they believe, they can bias the Ju-
 stice with a Shilling, which often
 makes them take indecent Liberties,
 'till they find that the Gentleman
 they are before, acts in a different
 Character.

Character. Nor wou'd I have a Justice of the Peace, when he has a Clerk, make a Bargain with him, that may favour of mercenary Views, such as giving so much in the Shilling to the Clerk, &c. which spurs him on for his own Interest to look out indecently, and at the Expence of his Master's Reputation for Business; which reflects upon the Dignity of that High Office: And, above all things, let every Justice take care not to permit his Clerk to act the Part of a Solicitor at the Old Bailey, Hicks's Hall, or at Westminster Sessions: For nothing so much corrupts the Morals of Clerks as that sort of Business, and the Company they keep on such Occasions; where

where there is nothing but Deceit
and Villany: Nor do I know any
thing that longer blasts the Character
of a Justice, than suffering such a
Conduct in his Clerk.
 If a Fine ought to be taken for
Summons granted on Penal Laws,
which are of themselves so heavy a
Punishment on the Subject, that no-
thing should be added to that
Weight: I mean particularly, the
Acts of Swearing and Cursing, break-
ing the Sabbath, Drunkenness; a-
gainst Brownbrokers for receiving Sol-
diers Accomptments; against those
who keep Inns or Alehouses, for re-
fusing Quarters to Soldiers when
duly billeted upon them, &c. which
happens

happens daily in the City and Liberty of *Westminster*, from the few Publick Houses now left, since the Gin Act commenced for *selling Spirituous Liquors*; which being thought grievous by the People, is much more so in their Eyes, if Justices, or their Clerks, take any thing whatsoever on those Convictions.

F I N I S.

